

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:09CR00087 ERW
)	
JUSTIN HEMKENS,)	
)	
Defendant.)	

ORDER RELATING TO TRIAL

This matter comes before the Court on Motion to Continue Trial Setting [doc. #16] by Defendant Justin Hemkens. Counsel for the Government has consented to this request and Defendant has filed with this Court a signed Waiver of Speedy Trial agreeing to the continuance of the trial setting in this matter.

Defendant is charged in a three-count indictment for possession of child pornography. The discovery process is on-going and counsel seeks additional time to review discovery and confer with his client prior to the deadline for filing pretrial motions. Counsel's deadlines in other criminal cases pending in this district and health concerns of an associate have hindered his ability to meet the current deadlines set forth by the magistrate judge in this matter.

This Court, upon careful consideration and on review of the record, finds that the ends of justice would be served by continuing the trial setting to **May 18, 2009**, and that a continuance of these proceedings outweighs the best interest of the public and the Defendant in a speedy trial. Furthermore, failure to grant a continuance would deny counsel for the government and defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court concludes that a miscarriage of justice will result to the Defendant unless a continuance is granted taking into account the time needed to process pretrial motions.

Accordingly,

IT IS HEREBY ORDERED that within the guidelines set forth by the Speedy Trial Act, 18 U.S.C. 3161, the Motion to Continuance Trial Setting [doc. #16] is **GRANTED**. The Jury Trial as to Defendant Justin Hemkens is reset to **May 18, 2009**, at **8:30 a.m.**

So Ordered this 11th Day of February, 2009.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE